

REMARKS

The applicants propose amending claims 1, 14 and 21 to improve form. Claims 1-9, 14 and 17-22 remain pending in this application.

Claims 1-5, 7, 8, 14 and 18-20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Acovic et al. (U.S. Patent No. 5,411,905; hereinafter Acovic) and claims 6, 9, 17, 21 and 22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Acovic. The rejections are respectfully traversed.

Initially, the applicants note that Final Office Action includes a new grounds of rejection with respect to claims 14 and 18-20. The Final Office Action states that the previous amendment necessitated the new grounds of rejection (Final Office Action – page 5). The applicants respectfully disagree.

Claim 14 was amended in the response filed February 17, 2005 to incorporate the features of original claims 15 and 16. Claim 15 and 16 were previously rejected under 35 U.S.C. § 102 based on Fried et al. (U.S. Patent Publication No. 2003/0178670). Since claim 14 was merely amended to incorporate the features of original claims 15 and 16, the applicants respectfully submit that the new grounds of rejection under 35 U.S.C. § 102 based on Acovic was not necessitated by the applicants' amendment. Therefore, the applicants respectfully request that the finality of the present Office Action be withdrawn.

Claim 1, amended as proposed, recites that the gate dielectric layer formed on the first and second spacers contacts the insulating layer and acts as an inter-gate dielectric for the memory device. The Final Office Action states that Acovic discloses forming a gate dielectric layer 24 on the first and second spacers 22 and points to Figs. 2 and 3 for support (Final Office Action – page 2). Acovic may disclose forming an oxide/nitride/oxide (ONO)

layer 24 over floating gates 22 (Acovic – Fig. 2). Acovic, however, does not disclose or suggest that ONO layer 24 contacts insulating layer 10, as required by amended claim 1 (Acovic – Fig. 2).

Claim 1, amended, as proposed, also recites a first gate contacting the insulating layer and disposed on a first side of the fin and a second gate contacting the insulating layer and disposed on a second side of the fin opposite the first side. The Final Office Action states that Acovic discloses an insulating layer 10, a first gate 26 formed on the insulating layer on the right side of fin 12 and a second gate 26 formed on the insulating layer on the left side of fin 12 and points to Figs. 2 and 3 of Acovic for support (Final Office Action – page 2).

Acovic may disclose forming control gates 26 over ONO layer 24. Acovic, however, does not disclose or suggest that either of the control gates 26 contacts insulating layer 10, as required by amended claim 1. In contrast, Acovic discloses that control gates 26 are formed on ONO layer 24 and do not contact insulating layer 10 (Acovic – Fig. 2).

For at least these reasons, Acovic does not disclose or suggest each of the features of amended claim 1. Accordingly, withdrawal of the rejection and allowance of claim 1 are respectfully requested.

Claims 2-5, 7 and 8 are dependent on claim 1 and are believed to be allowable for at least the reasons claim 1 is allowable. Accordingly, withdrawal of the rejection and allowance of claims 2-5, 7 and 8 are respectfully requested.

Claim 14, amended as proposed, recites features similar to claim 1. For example, claim 14, as amended, recites an inter-gate dielectric formed between the first spacer and the first gate and between the second spacer and the second gate, wherein the inter-gate

dielectric contacts the insulating layer. Similar to the discussion above with respect to claim 1, Acovic does not disclose that ONO layer 24 contacts insulating layer 10, as required by amended claim 14.

For at least this reason, Acovic does not disclose or suggest each of the features of claim 14. Accordingly, withdrawal of the rejection and allowance of claim 14 are respectfully requested.

Claims 18-20 are dependent on claim 14 and are believed to be allowable for at least the reasons claim 14 is allowable. Accordingly, withdrawal of the rejection and allowance of claims 18-20 are respectfully requested.

Claims 6, 9, 17, 21 and 22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Acovic. The rejection is respectfully traversed.

Claims 6 and 9 are dependent on claim 1 and claim 17 is dependent on claim 14. These claims are believed to be allowable for at least the reasons their independent claims are allowable. In addition, these claims recite additional features not disclosed or suggested by Acovic.

For example, claim 6 recites that each of the first and second spacers comprise polysilicon and have a width ranging from about 100 Å to about 500 Å. Claim 17 recites a similar feature. The Final Office Action admits that Acovic does not disclose this feature, but states that the claimed range with respect to the first and second spacers would be obvious and relies on In re Aller for support (Final Office Action – page 3). The applicants respectfully disagree.

Acovic discloses forming a floating gate structure 22 that extends from the right side of one silicon structure 12 to the left side of an adjacent silicon structure 12 (Acovic – Fig.

2). Acovic is totally silent with respect to the width of floating gate 22. The applicants assert that absent some disclosure in Acovic with respect to the width of floating gate 22, Acovic cannot be fairly construed to suggest that floating gate 22 has a width ranging from about 100 Å to about 500 Å, as required by claim 6. In addition, the mere allegation that the claimed feature involves only routine skill in the art, without some supporting disclosure with respect to the width of floating gate 22 in Acovic, does not satisfy the requirements of 35 U.S.C. § 103.

For at least these additional reasons, withdrawal of the rejection and allowance of claims 6 and 17 are respectfully requested.

Claim 9 recites that fin structure has a width ranging from about 100 Å to about 1000 Å. The Final Office Action admits that Acovic does not disclose this feature, but states that such a feature would be obvious and relies on In re Aller for support (Final Office Action – page 3). The applicants respectfully disagree.

Acovic is totally silent with respect to the width of structure 12. The applicants assert that absent some disclosure in Acovic with respect to the width of structure 12, Acovic cannot be fairly construed to suggest that structure 12 has a width ranging from about 100 Å to about 1000 Å, as required by claim 9. In addition, the mere allegation that the claimed feature involves only routine skill in the art, without some supporting disclosure with respect to the width of structure 12 in Acovic, does not satisfy the requirements of 35 U.S.C. § 103.

For at least these additional reasons, withdrawal of the rejection and allowance of claim 9 are respectfully requested.

Claim 21, amended as proposed, recites features similar to claim 1. For example, claim 21 as amended recites that the first gate contacts the insulating layer and the second gate contacts the insulating layer. As discussed above with respect to claim 1, Acovic does not disclose that control gates 26 contact insulating layer 10, as required by amended claim 21.

Claim 21 also recites features similar to claims 6. For reasons similar to those discussed above with respect to claim 6, Acovic does not disclose or suggest the claimed width of the first and second spacers.

For at least these reasons, Acovic does not disclose or suggest each of the features of claim 21. Accordingly, withdrawal of the rejection and allowance of claim 21 are respectfully requested.

Claim 22 is dependent on claim 21 and is believed to be allowable over Acovic for at least the reasons claim 21 is allowable. Accordingly, withdrawal of the rejection and allowance of claim 22 are respectfully requested.

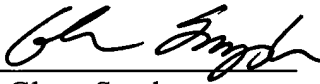
CONCLUSION

The applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered, placing the application in condition for allowance. In addition, in the event that the application is not allowed, the applicants respectfully request withdrawal of the finality of the pending Office Action for the reasons discussed above and entry of this Amendment.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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